IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

OP.No. 34110 of 2000(I)

PETITIONER:

P.K.ABDUL JABBAR, CHEENIKKOTTU KALAM
VALLIYODE, MUDAPPALLUR P.O. PALGHAT.

BY ADV. SRI.S.RAMESH BABU

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
   SECRETARY, LOCAL ADMINISTRATION DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

2. DIRECTOR OF PANCHAYATS, TRIVANDRUM.

BY SRI.N.RAGHURAJ
SRI.A.V.RAVI
SMT.K.AMMINIKUTTY
SRI.P.RAMACHANDRAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETIITONERS EXHIBIT:

EXT.P1: COPY OF THE REPORT OF THE ACCOUNTS OFFICER DATED 5.7.1996.

TRUE COPY

P.A TO JUDGE

T.R. Ramachandran Nair, J.

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O.P.NO.34110 of 2000-I

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Dated this the 15th day of June, 2007

JUDGMENT

The petitioner retired from service while working as Special Grade Secretary in Vadakkancherry Grama Panchayat, on 29.2.1996. Ext.P1 is the authorisation as regards the death-cum-retirement gratuity due to the petitioner which shows that an amount of Rs.35,960/- has been admitted towards D.C.R.G. Because of want of non-liability certificate, the petitioner could not draw the same so far and in these circumstances, this original petiton has been filed by him for a direction to the respondents to disburse the D.C.R.G. with interest at 18% per annum from 1.3.1996.

2. During the pendency of the original petition, as per order in I.A. No.12464/2005, additional respondents 3 to 9 have been impleaded.

3. In the counter affidavit filed on behalf of respondents 1 and 2, it is pointed out that DCRG could not be disbursed to the petitioner for want of non-liability certificate from the various panchayats he had worked. It is also stated that audit objections are yet to be cleared by the respective panchayats.

4. Therefore, it is clear that unless the audit objections are cleared

and liability, if any, in respect of the petitioner is quantified and shown in the non-liability certificate, the amount of of DCRG cannot be released to the petitioner. But there is undue delay already in the matter as the petitioner had retired from service on 29.2.1996.

5. Therefore, there will be a direction to the respective panchayats to forward their remarks on the audit objection and the non-liability certificate to the second respondent within a period of three months from the date of receipt of a copy of this judgment. The petitioner will communicate the copies of judgment to the respective panchayats for immediate action. Depending upon the same, Non-liability Certificates will be forwarded and the admissible amount of DCRG will be disbursed to the petitioner within two months thereafter. The second respondent should see that the above time frame is strictly followed.

The original petition is disposed of accordingly. No costs.

(T.R. Ramachandran Nair, Judge.)

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T.R. Ramachandran Nair, J.

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O.P.NO.34110 of 2000-I

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JUDGMENT

15th day of June, 2007